



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: June 24, 2010
ITEM NO.: 6
TIME: 11:15 am

TO: Placer County Planning Commission
FROM: Jennifer J. Dzakowic
DATE: June 8, 2010
SUBJECT: Zoning Text Amendment (PZTA 20100183)
Proposed Ordinance Granting a Two Year Time Extension
to Planning Land Use Entitlements

STAFF PLANNER: Jennifer J. Dzakowic

LOCATION: Countywide

APPLICANT: Placer County Planning Department

PROPOSAL: Consideration of an ordinance that would grant an automatic two year time extension for land use entitlements such as administrative review permits, use permits, design site review agreements or variances that had not expired as of July 1, 2010.

CEQA COMPLIANCE: Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review (CEQA Section 15061(b)(3)).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: A legal notice was published in the Sacramento Bee newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice.

BACKGROUND: On February 9, 2010 the Board of Supervisors adopted Ordinance 5583-B that extended the expiration date of certain entitlements such as use permits or variances which were approved in conjunction with a tentative subdivision map or parcel map, and that qualifies for automatic time extension under State law.

The proposed ordinance would automatically extend the expiration date for two years for all open planning entitlement that had not expired as of July 1, 2010, or for which an application for an Extension of Time has been submitted and not approved by the effective date of the ordinance. This would include administrative review permits, cell site permits, conditional and minor use permits, design site review agreements, reasonable accommodations, sign permits, tree permits, and variances.

The national, state, and local economy have undergone a downward transformation in recent years this economic downturn has translated to elusive financing, foreclosures on properties and construction delays with Placer County. With the current decline in the economy, developers, land and business owners face the prospect of having their land use entitlements expire before they can obtain financing or have their project feasible to build. The two years an applicant has to implement entitlements for development may not be enough to complete the due diligence. This proposed ordinance would help to support the future economic recovery of the County and allow businesses to take advantage of any economic resurgence.

DISCUSSION OF ISSUES:

Effective Date

Under the County's existing Zoning Ordinance, land use entitlements have a life of two years, with the opportunity to request a time extension of up to one year for each entitlement for a total of no more than three years. The zoning ordinance specifies implementation as:

1. The permit has been implemented because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and a foundation inspection has been conducted and approved by the building official or a designee; or
2. The permit has been implemented because a use not requiring construction permits has been established on the site and is in operation as approved, and all conditions of approval prerequisite to establishment of the use have been satisfied; or
3. The permit has been implemented for a multiple building or multiple structure project because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and foundation inspections for each and every building or structure have been conducted and approved by the building official or a designee [Note: For multiple phase projects which require a discretionary permit, the conditions of approval for that permit can provide for extended dates of expiration]; or
4. A Conditional Use Permit granted for a planned residential development (Section 17.54.080) has been implemented through the recordation of the final subdivision map pursuant to the approved PD; or

5. An extension of time has been granted according to Subsection C of Section 17.58.160.

The proposed ordinance uses July 1, 2010 as the date for which an entitlement would qualify for an automatic extension of time if it had not already expired. Alternative dates considered included July 15, 2009, which was the date Assembly Bill 333 utilized or January 1, 2010 which was the beginning of this calendar year. Staff recommends July 1, 2010 because it will likely be close to the date the proposed ordinance would take effect, thus eliminating confusion by not retroactively extending a permit's life after it had expired.

Active Permits

In the last three years the Planning Department has processed approximately 2,373 land use entitlements. The majority of these land use entitlements have been implemented. However, it is likely between 300-350 of these land use entitlements are still considered active permits and would qualify under this proposed ordinance for an extension of time.

Permit Activity by Fiscal Year		
	Permit Total	Permit Not Associated w/ Subdivision
Permit activity for 2009-2010	502	430
Permit activity for 2008-2009	714	590
Permit activity for 2007-2008	1157	942
Total	2373	1962

Extension Length

The proposed ordinance would grant an additional two years in length to a permit. A typically extension of time approval grants an additional year in length to a permit. However, Assembly Bill 333 automatically extended the life of certain tentative subdivision maps and parcel maps for two years. In addition, Placer County Ordinance 5583-B granted a two year extension for any related entitlement which was approved in association with a subdivision map. Therefore, staff recommends a two year extension to be consistent with previously adopted Ordinance 5583-B.

FISCAL IMPACT: Adoption of the Ordinance could result in the loss of fees for the processing of time extension requests (at the average rate of \$888 per application). Extensions of time fees are calculated at forty percent of the base land use entitlement fee. Conversely, future building permit fees, development impact fees and property tax, sales tax, and business license revenues could be lost should current development applications be allowed to expire.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval to the Board of Supervisors on a proposed ordinance that would grant an automatic two year time extension for Planning land use entitlements that have not expired as of July 1, 2010 or for which an application for an Extension of Time has been submitted and not approved by the effective date of the ordinance.

Respectfully submitted,



Jennifer J. Dzakowic
Senior Planner

cc:

Michael Johnson– CDRA Director
Paul Thompson- Deputy Planning Director
Loren Clark - Deputy Planning Director
Scott Finley - County Counsel
Richard Eiri - Engineering and Surveying Division
Jill Pahl - Environmental Health Services
Tim Wegner – Chief Building Official
Bob Eicholtz - Emergency Services
Board of Supervisors
Redevelopment Agency
Subject/chrono files

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